IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE SIDE JURISDICTION

Writ Petition No.1972 of 2005

Maharashtr Rajya Suraksha Rakshak
& General Kamgar Union ... Petitioners.

Vs

Pune District Security Guards
Board and ors ..Respondents

with

Writ Petition No.2720 of 2006.

Suraksha Rakshak and
General Kamgar Sena ... Petitioners.

Vs

Security Guards Board for Gr Mumbai
and Thane District and ors ..Respondents

with

Writ Petition No.3392 of 2003.

Suraksha Rakshak and
General Kamgar Sena ... Petitioners.

Vs

Security Guards Board for Gr Mumbai
and Thane District and ors ..Respondents

with

Writ Petition No.5480 of 2007.

Pune District Suraksha Rakshak
Mahasangh. ... Petitioners.

Vs

Pune District Security Guards Board

and ors ..Respondents

with

Writ Petition No.5482 of 2007.

Pune District Suraksha Rakshak
Mahasangh. Petitioners.

Vs

Pune District Security Guards Board

and ors ..Respondents

with

Writ Petition No.257 of 2006.

Rashtrawadi Rajya Suraksha Rakshak
& General Kamgar Union Petitioners.

Vs

Security Guards Board for Gr Mumbai

and Thane District and ors ..Respondents

with

Writ Petition No.4343 of 2007.

Rashtrawadi Rajya Suraksha Rakshak
& General Kamgar Union Petitioners.

Vs

Security Guards Board for Gr Mumbai

and Thane and ors ..Respondents

with

Writ Petition No.4382 of 2007.

Rashtrawadi Rajya Suraksha Rakshak
& General Kamgar Union Petitioners.

Vs

Security Guards Board for Gr Mumbai

and Thane and ors ..Respondents

with

Writ Petition No.4384 of 2007.

Rashtrawadi Rajya Suraksha Rakshak
& General Kamgar Union Petitioners.

Vs

Security Guards Board for Gr Mumbai
and Thane and ors ..Respondents

Mr S.S. Pakale for petitioners in W.P.No.1972/05, 2720/06, 3392/03, 5480/07, and 5482/07.

Mrs Ranjana Todankar for petitioners in W.P.Nos 257/06, 4343/07, 4382/07, and 4384/07.

Ms Pallavi Divekar for the Board

Mr Vinod Gupta i/b Sanjay Udeshi for respondent No.2 in WP 1972/05.

Mr Rajesh Gehani for respondent No. 2 in WP 257/06.

Mr Sumit Deshpande for respondent No. 2 in WP 4384/07.

CORAM: SWATANTER KUMAR, C.J., &
Dr.D.Y.CHANDRACHUD, J.

Dated: 27th September 2007

P.C.:

1. These matters have been mentioned before the court for correction of a typographical error in the orders dated 30.7.2007 and 17.8.2007. Both these orders are recalled and instead the following order is passed:

"The above referred writ petitions stand disposed in terms of order dated 21st June 2007 passed in a group of Writ Petition Nos. 563 of 2007 and other writ petitions with the following directions :.

(i) All the security guards, petitioners in all the petitions or the members of the Sangh or the Unions through whom the present petitions have been filed and who have not already filed applications for their registration with the respondent-Board may file such applications within four weeks from today.

(ii) All the pending applications for registration as security guards filed by the individuals as well as the applications received by the Board under clause (i) shall be dealt with and disposed of by the Board in accordance with the Regulations and policies framed by the Board within six weeks thereafter. Orders so passed by the Board shall be notified, besides copies thereof being sent to the Union or individual workmen who have filed these petitions.

(iii) The employer of members of these petitioners and/or even other employers desirous of getting registered with the respondent-Board for providing of security personnel would be also at liberty

to move such applications within four weeks from today and the same shall be considered and disposed of by the Board in accordance with law within six weeks thereafter.

(iv) The Board, through its Officers/Officials, shall duly verify the stand of the private employers that the workmen/security guards are not employed and/or whether the workmen/security guards employed by them are or not performing the duties of a security guard and shall prepare an inspection report after site visits. Such report would be considered by the authorities concerned for passing an appropriate order.

(v) The individual security guards who are then registered by the Board shall be allocated to such concerns/establishments which are desirous of deploying security guards and/or those security guards who are in employment and are then registered shall be granted all the benefits in terms of the Regulations upon the direction of the Board.

(vi) After completion of the above exercise, the Board shall consider

and initiate penal action against the private respondent-employers in accordance with the provisions of clause 42 of the Security Guards Scheme, 2005, and the relevant clause on the date of passing of this order.

(vii)Wherever private respondent-employers are required to apply for registration with the respondent-Board, they shall apply, even if, according to them, the members of the petitioners are not employed strictly as security guards and are employed as attendants or car cleaners, etc. This scheme shall be duly considered by the Board and decided in accordance with law. We also make it clear that while allotting the services of the security guards, the Board will keep in mind the fact that where were they employed at the time or prior to the institution of these writ petitions.

(viii)The process of registration in either case shall be subject to the satisfaction of the eligibility criteria in relation to various factors which are specified under the Regulations or the Security Guards Scheme framed in 2005".

Office is directed to carry out necessary corrections and issue a fresh certified copy.

CHIEF JUSTICE

Dr. D.Y.CHANDRACHUD, J.